

UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

In re:

CHADWICK J. BUYNAK

* Debtor(s)

Case Number: 5-24-00805
Chapter: 13

CERTIFICATE OF MAILING

The undersigned employee in the office of:

Tullio DeLuca, Esquire

hereby certifies that a copy of the attached Notice, Order setting Response and
Hearing Date and Motion to Sell Free and Clear of All Liens, Charges and
Encumbrances was mailed today to all parties named on the mailing list attached
hereto by email.

DATED: November 18, 2024

SIGNED: /s/Lisa Manchak

TITLE: Legal Assistant

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF PENNSYLVANIA

In re:

Chadwick J. Buynak,
aka Chadwick Buynak, aka Chadwick Joseph Buynak,

Debtor 1

Chapter: 13

Case number: 5:24-bk-00805-MJC

Document Number: 85

Matter: Motion for Sale Free and Clear of
Liens

CHADWICK J. BUYNAK
Movant(s)

vs.

SUSQUEHANNA COUNTY TAX CLAIM
BUREAU, ROUNDPOINT MORTGAGE,
LINDSEY A. CATOGGIO, INTERNAL
REVENUE SERVICE, PA DEPARTMENT OF
REVENUE and JACK N. ZAHAROPOULOS,
ESQUIRE

Respondent(s)

Order

Unless earlier served through CM/ECF, **IT IS ORDERED** that service of this Order and the above-referenced Motion shall be made by the moving party on all respondent(s) named in the Motion claiming an interest in the property, counsel, and in a Chapter 11 case service shall also be made upon the Trustee, if any, U.S. Trustee and the individuals identified in F.R.B.P. 4001(a)(1) and L.B.R 4001-6. Service shall be made within seven (7) days from the date hereof and certification of service filed with this Court within fourteen (14) days from the date hereof.

IT IS FURTHER ORDERED that answers to the Motion must be served on the moving party and a copy filed with this Court, within fourteen (14) days from the service date of this Order. If no Response is filed, relief may be granted. A hearing will be held if a responsive pleading is timely filed, requested by the moving party, or ordered by the Court. If a default order has not been signed and entered, the parties or their counsel are required to appear in Court at the hearing on the below date and time.

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|--|--------------------------------|
| United States Bankruptcy Court Max Roseann US Courthouse, Courtroom 2, 197 South Main Street, Wilkes-Barre, PA 18701 | Date: 1/7/25 Time: 10:00 AM |
|--|--------------------------------|

By the Court,



Mark J. Conway, United States Bankruptcy Judge

Dated: November 15, 2024

Initial requests for a continuance of hearing (L.B.F. 9013-4, Request to Continue Hearing/Trial with Concurrence) shall be filed with the Court. Requests received by the Court within twenty-four (24) hours of the hearing will not be considered except in emergency situations. Additional requests for continuance must be filed as a

Motion.

Requests to participate in a hearing remotely shall be made in accordance with L.B.R. 9074-1.

Photo identification is required upon entering the Courthouse.

orreshrg(5/18)

UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

CHADWICK J. BUYNAK :
: Debtor : CASE NO. 5-24-00805

CHADWICK J. BUYNAK :
: Movant :
: vs. :
SUSQUEHANNA COUNTY TAX CLAIM :
BUREAU, ROUNDPOINT MORTGAGE, :
LINDSEY A. CATOGGIO, INTERNAL :
REVENUE SERVICE, PA DEPARTMENT OF :
REVENUE and JACK N. ZAHAROPOULOS, :
ESQUIRE :
: Respondents :

NOTICE OF DEBTOR'S MOTION TO APPROVE PRIVATE SALE OF REAL PROPERTY
FREE AND CLEAR OF ALL LIENS, CHARGES AND ENCUMBRANCES

NOTICE IS HEREBY GIVEN THAT:

Debtor, Chadwick J. Buynak resides at 89 Tompkins St., Apt 1, Pittston, PA and seeks leave to sell real property of the above captioned case located 887 Cottrell Rd, Thompson, PA, to Lindsey A. Catoggio , for the sum of One Hundred Thirty Thousand (\$130,000.00) Dollars. The sale is to be free and clear of all liens, charges and encumbrances, with all valid liens and encumbrances to be paid at time of closing.

The Debtors further request the Court to allow distribution of the proceeds from the sale of real property as follows:

- a. Any out-of-pocket expenses advanced by Tullio DeLuca, Esquire in connection with the sale of the aforementioned property, and which have not been reimbursed at the time of settlement along with an attorney fee of \$1,500.00;
- b. Any Notarization and/or incidental recording fees associated with the sale of the above property;
- c. Any transfer tax which is the responsibility of the seller herein;
- d. Any unpaid real estate taxes and other municipal claims/liens arising from property;
- e. Payment in full to Roundpoint Mortgage;

- f. Any amount in excess of the amount due to extinguish the outstanding mortgage on the real property shall be divided equally between the parties.
- g. That any other unpaid liens shall attach to the remaining sale proceeds;
- h. Debtor's exemption in the amount of \$26,785.00
- i. The net sale proceeds in an amount to pay the balance owed to the Chapter 13 Trustee, if any, from the above sale shall be paid to Jack N. Zaharopoulos, Esq., Chapter 13 Trustee, for distribution to creditors in accordance with the Debtor's confirmed Plan

The Sale is not subject to higher and better offers.

Any inquiries regarding the sale and/or to request for copies of the motion or a time and date to examine the property prior to the sale, can be made directly to Debtor's Counsel, Tullio DeLuca, Esquire.

Hearing on any Answers or Objections will be heard on January 07, 2025 at 10:00am. If no objection and request for hearing are timely filed with the Bankruptcy Clerk, 197 South Main Street, Wilkes-Barre, PA 18701 to the sale of the aforementioned real property on the above terms and conditions on or before **December 09, 2024**, the Court may grant the relief requested. If you desire to contest this matter, file a written objection in the form of responsive pleading and request a hearing with a copy to Tullio DeLuca, Esquire at the address below: Any filing must conform to the Rule of Bankruptcy Procedures unless the Court determines otherwise.

Date of Notice: November 18, 2024 Tullio DeLuca, Esquire
381 N 9th Avenue
Scranton, PA 18504
(570) 347-7764

UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

CHADWICK J. BUYNAK :
Debtor : **CASE NO. 5-24-00805**

CHADWICK J. BUYNAK :
Movant :
vs.
SUSQUEHANNA COUNTY TAX CLAIM :
BUREAU, ROUNDPOINT MORTGAGE, :
LINDSEY A. CATOGGIO, INTERNAL :
REVENUE SERVICE, PA DEPARTMENT OF :
REVENUE and JACK N. ZAHAROPOULOS, :
ESQUIRE :
Respondents :

DEBTOR'S MOTION TO APPROVE PRIVATE SALE OF REAL
PROPERTY FREE AND CLEAR OF ALL LIENS, CHARGES AND ENCUMBRANCES

AND NOW COMES, Chadwick J. Buynak, the Debtor, and files this Motion for an
Order Approving a Private Sale of Real Property Free and Clear of all Liens, Charges and
Encumbrances:

1. Chadwick J. Buynak (hereinafter the "Debtor") filed a Chapter 13 bankruptcy proceeding with the U.S. Bankruptcy Court for the Middle District of Pennsylvania.
2. Jack N. Zaharopoulos, Esq. is the Chapter 13 Trustee.
3. On the date that the Petition was filed there existed real property, of the estate located at 887 Cottrell Rd., Thompson PA.
4. The Debtor wishes to sell the real property to Lindsey A. Catoggio, for the sum of One Hundred Thirty Thousand (\$130,000.00) Dollars. A copy of the Order signed by the Honorable Jason J. Legg, is attached hereto, made a part hereof, and labeled Exhibit "A". Any amount in excess of the amount due to extinguish the outstanding mortgage on the real property shall be divided equally between the parties.

5. The Respondents named in the above caption, may have a lien(s) on the property or other interests in the property to be sold.

6. That this Motion to Sell Real Property Free and Clear of Liens, Charges and Encumbrances has been filed by the Debtors because the offer approximates the fair market value.

7. The Debtor further requests the Court to allow distribution of the proceeds from the sale of the real estate at settlement, pursuant to the priority of the United States Bankruptcy Court as follows:

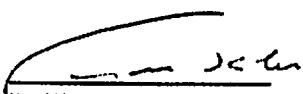
- a. Any out-of-pocket expenses advanced by Tullio DeLuca, Esquire in connection with the sale of the aforementioned property, and which have not been reimbursed at the time of settlement along with an attorney fee of \$1,500.00;
- b. Any Notarization and/or incidental recording fees associated with the sale of the above property;
- c. Any transfer tax which is the responsibility of the seller herein;
- d. Any unpaid real estate taxes and other municipal claims/liens arising from property;
- e. Payment in full to Roundpoint Mortgage;
- f. Any amount in excess of the amount due to extinguish the outstanding mortgage on the real property shall be divided equally between the parties.
- g. That any other unpaid liens shall attach to the remaining sale proceeds;
- h. Debtor's exemption in the amount of \$26,785.00
- i. The net sale proceeds in an amount to pay the balance owed to the Chapter 13 Trustee, if any, from the above sale shall be paid to Jack N. Zaharopoulos, Esq., Chapter 13 Trustee, for distribution to creditors in accordance with the Debtor's confirmed Plan

8. The Debtor shall be allowed to escrow funds at closing for potential capital gains tax liability as may be needed.

9. The Debtor requests the Court to issue a date by which responses, if any, objecting to the sale of real property free and clear of liens, charges and encumbrances may be filed, and to grant the requested relief, to wit, to hold the sale of the aforementioned real property free and clear of all liens, charges and encumbrances.

WHEREFORE, the Debtor respectfully requests that the Movant's Motion to approve Private Sale of Real Property located at 887 Cottrell Rd., Thompson PA be hereby approved and an Order issued authorizing the Debtor to sell the above real property free and clear of all liens, charges and encumbrances to Lindsey A. Catoggio with normal and customary closing costs paid from the sale proceeds as indicated above, less Debtor's exemption. Debtor shall be allowed to escrow funds at closing for a potential capital tax gain liability.

Respectfully submitted,


Tullio DeLuca, Esq.
Attorney for Debtor
381 N. 9th Avenue
Scranton, PA 18504
(570) 347-7764

LINDSEY A. CATOGGIO

vs.

CHADWICK J. BUYNAK

: IN THE COURT OF COMMON PLEAS

: SUSQUEHANNA COUNTY, PA

: NO. 2023-205-CP

ORDER

2023-205-CP
SUSQUEHANNA COUNTY
COMMON PLEAS COURT
RECEIVED
OCT 18 2023
FILED
CLERK'S OFFICE
SUSQUEHANNA COUNTY
COMMON PLEAS COURT

NOW TO WIT this 17th day of October 2024, the matter having come before the Court pursuant to a Private Sale, and the sale having now occurred, and Lindsey Catoggio being the successful bidder at the amount of \$130,000.00, it is hereby ORDERED that the bid is accepted and approved. Lindsey Catoggio shall consummate the purchase of said real property within forty-five days of today's date.

Any amount in excess of the amount due to extinguish the outstanding mortgage on the real property shall be divided between the parties equally.

BY THE COURT:


JASON J. LEGG, P.J.

Y Ellis (e) & DR. H (m)

UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

CHADWICK J. BUYNAK :
Debtor : CASE NO. 5-24-00805

CHADWICK J. BUYNAK :
Movant :
vs.
SUSQUEHANNA COUNTY TAX CLAIM :
BUREAU, ROUNDPOINT MORTGAGE, :
LINDSEY A. CATOGGIO, INTERNAL :
REVENUE SERVICE, PA DEPARTMENT OF :
REVENUE and JACK N. ZAHAROPOULOS, :
ESQUIRE :
Respondents :

**ORDER GRANTING DEBTOR'S MOTION FOR PRIVATE SALE OF PROPERTY
FREE AND CLEAR OF ALL LIENS, CHARGES AND ENCUMBRANCES**

Upon consideration of the within Motion and after Notice duly given to the Creditors and other parties in interest, the Debtor, Chadwick J. Buynak is hereby granted leave to sell real property located at 887 Cottrell Rd., Thompson, PA to Lindsey A. Catoggio for the sum of One Hundred Thirty Thousand (\$130,000.00) Dollars All valid liens and encumbrances to attach to the proceeds of said sale, except the encumbrances of outstanding real estate taxes.

Further, the Debtor is granted leave to allow distribution of the proceeds of the sale at closing as follows:

- a. Any out-of-pocket expenses advanced by Tullio DeLuca, Esquire in connection with the sale of the aforementioned property, and which have not been reimbursed at the time of settlement along with an attorney fee of \$1,500.00;
- b. Any Notarization and/or incidental recording fees associated with the sale of the above property;

- c. Any transfer tax which is the responsibility of the seller herein;
- d. Any unpaid real estate taxes and other municipal claims/liens arising from property;
- c. Payment in full to Roundpoint Mortgage;
- f. Any amount in excess of the amount due to extinguish the outstanding mortgage on the real property shall be divided equally between the parties.
- g. That any other unpaid liens shall attach to the remaining sale proceeds;
- h. Debtor's exemption in the amount of \$26,785.00
- i. The net sale proceeds in an amount to pay the balance owed to the Chapter 13 Trustee, if any, from the above sale shall be paid to Jack N. Zaharopoulos, Esq., Chapter 13 Trustee, for distribution to creditors in accordance with the Debtor's confirmed Plan

Further, the Debtor is allowed to escrow funds at closing for a potential capital tax gain liability.

Date

J.

REBECCA WESCOTT, DIRECTOR
SUSQUEHANNA COUNTY TAX CLAIM BUREAU
31 LAKE AVENUE
PO BOX 218
MONTROSE, PA 18801

ROUNDPOINT MORTGAGE
c/o BRENT J. LEMON, ESQ.
KML LAW GROUP, PC
701 MARKET STREET, SUITE 5000
PHILADELPHIA, PA 19106

LINDSEY A. CATOGGIO
c/o JOHN MARTIN, ESQ.
1022 COURT STREET
HONESDALE, PA 18431

JACK N ZAHAROPOULOS
ATTN CHAPTER 13 TRUSTEE
8125 ADAMS DRIVE SUITE A
HUMMELSTOWN PA 17036-8625

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CHIEF COUNSEL-CIVIL TRIAL SECTION
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WASHINGTON, DC 20530

BRUCE D. BRANDLER, ESQ.
US ATTORNEY
P.O. BOX 309
SCRANTON, PA 18501

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ATTORNEY GENERAL'S OFFICE
950 PENNSYLVANIA AVE., NW
WASHINGTON, DC 20330

Joseph J. Swartz, Counsel
PA DEPT OF REVENUE
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